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January 10, 2022

**Via CM/ECF**

Hon. Andre Espinosa  
United States Magistrate Judge  
Martin Luther King Jr. Courthouse  
50 Walnut Street, Rm 2037, Court Rm 2D  
Newark, NJ 07102

Re: Paul Goroff vs. Thieman Tailgates, Inc., et. al.  
Docket #: 2:21-cv-09668-KM-AME  
Our File No: 7023

Dear Judge Espinosa:

Our office represents the Plaintiff in the above matter. We submit this joint letter pursuant to the Court's Pretrial Scheduling Order dated October 15, 2021 (the "Order") and after consultation and approval of all counsel in the above action.

We have almost completed the fact witness depositions. Only three depositions of parties need to be completed as each deposition was not completed when the witnesses initially appeared: Thieman Tailgates, Inc., by Terry Eyink; Monster Remotes by Lee Kazista; and Wiegers Inc by Thomas Wiegers.

To date Monster has only produced Rule 26 disclosures comprised of the equipment lease and a certificate of liability insurance, and a supplemental disclosure comprised of its product catalogue. Thieman served a demand for documents dated October 25, 2021 which demanded various records including but not limited to maintenance records, logs, reports, inspections for the subject lift gate and truck, records showing each time the subject lift gate and truck were used or leased prior to this accident, records and/or communications to the design and purchase of the lift gate and truck which were purchased as a package, and records related to any modification of the subject lift gate or truck.

Defendant Monster has not produced any responses to Thieman's October 25, 2021 document demands to date, but Monster has agreed to produce documents demanded on or before January 31, 2022 upon all parties.

Thieman also served document demands on Wiegers dated October 25, 2021. In addition, during the first date of Wieger's deposition, Tom Wiegers referred to and read from a Quick Books record which contained records related to installation, maintenance and repair of lift gates. The Quick Books documents are covered within the categories of documents demanded by Thieman in its October 25, 2021 demands. Thieman and Wiegers have

conferred extensively and Wiegers has agreed to provide responses to Thieman's demands, including but not limited to providing the Quick Books documents referenced by Tom Wiegers, on or before January 18, 2022 upon all parties.

Counsel have agreed to the following dates for the remaining remote depositions of the parties:

Terry Eyink and Thomas Weigers January 25, 2022;  
Lee Kazista no later than February 28, 2022 without good cause shown.

In order to facilitate the taking of the above depositions and post deposition demands and responses, the parties request that the Fact Discovery Deadline of January 10, 2022 be extended to allow post deposition demands to be served no later than February 28, 2022 and responses to be served within thirty days and in any event no later than March 11, 2022 without good cause shown.

The parties also request that their time to perform non-destructive inspections of all of the parts to the liftgate be extended to January 31, 2022. It is further requested that the parts of the liftgate Plaintiff claims failed be maintained by the Monster Defendants until the trial of this Action.

Given the above requested extension of the Fact Discovery Deadline, the parties request that all affirmative expert reports shall be delivered by March 18, 2022, that delivery of the responsive expert reports shall remain May 16, 2022, and Depositions of experts shall remain June 24, 2022.

Respectfully,

*Bruce J. Cheriff*

Bruce J. Cheriff

cc: All Counsel of Record (Via Electronic Filing and email)